

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 2, 2005
SAN FRANCISCO, CALIFORNIA**

S130717

PHILADELPHIA INDEMNITY INSURANCE
COMPANY v. MONTES-HARRIS
Request for certification granted

Application to appear pro hac vice granted.

The request, made pursuant to California Rules of Court, rule 29.8, that this court decide a question of California law presented in a matter pending in the Ninth Circuit Court of Appeals, is granted.

For purposes of briefing and oral argument, federal district court defendants and appellants Blanca Montes-Harris et al., are deemed petitioners to this court.

George, C.J., was absent and did not participate.

Votes: Kennard, A.C.J., Baxter, Werdegarr, and Moreno, JJ.

S126664

D042702 Fourth Appellate District,
Division One

C. (BEN), CONSERVATORSHIP OF
Supplemental briefing ordered

Respondent San Diego County Health and Human Services Agency is requested to file, on or before March 16, 2005, an answer brief addressing the question whether the Court of Appeal is required to conduct an independent review of the record in an appeal from a conservatorship order when appointed counsel for the conservatee has filed a brief stating that counsel has found no reasonably meritorious issues. (See *Anders v. California* (1967) 386 U.S. 738; *People v. Wende* (1979) 25 Cal.3d 436; *In re Sade C.* (1996) 13 Cal.4th 952.)

George, C.J., was absent and did not participate.

S124286

B164118 Second Appellate District,
Division Three

SNOWNEY v. HARRAHS ENTERTAINMENT

Issues ordered limited

Pursuant to California Rules of Court, rule 29(a)(1), the Court hereby limits the issues to be argued in this case to the issues presented in the petition for review.

George, C.J., was absent and did not participate.

S130542

A105042 First Appellate District,
Division One

PEOPLE v. OLIVER (EDGAR LANCE)

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Hudson*, S122816 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

George, C.J., was absent and did not participate.
Votes: Kennard, A.C.J., Baxter, Werdegarr,
Chin, Brown, and Moreno, JJ.

S130725

B171070 Second Appellate District,
Division Four

PEOPLE v. JONES

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review
GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant's petition for review denied.

George, C.J., was absent and did not participate.
Votes: Kennard, A.C.J., Baxter, Werdegarr,
Chin, Brown, and Moreno, JJ.

S119234

C034960 Third Appellate District

PEOPLE v. VO

Transferred to CA 3 after hold

The above-entitled matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and to reconsider the cause in light of *People v. Lopez* (2005) 34 Cal.4th 1002. (Cal. Rules of Court, rule 29.3(d).)

George, C.J., was absent and did not participate. Votes: Kennard, A.C.J., Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S123684B162333 Second Appellate District,
Division Six

PEOPLE v. LOPEZ

Dismissed per rule 29.3(b), and remanded to CA 2/6

In light of the decision in *People v. Lopez*, (2005) 34 Cal.4th 1002, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

George, C.J., was absent and did not participate. Votes: Kennard, A.C.J., Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S126119B167415 Second Appellate District,
Division Six

PEOPLE v. SANTANA

Transferred to CA 2/6 after hold

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, Division Six, with directions to vacate its decision and to reconsider the cause in light of *People v. Lopez* (2005) 34 Cal.4th 1002. (Cal. Rules of Court, rule 29.3(d).)

George, C.J., was absent and did not participate. Votes: Kennard, A.C.J., Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S126607B162992 Second Appellate District,
Division Six

PEOPLE v. MIRANDA

Dismissed per rule 29.3(b), and remanded to CA 2/6

In light of the decision in *People v. Lopez*, (2005) 34 Cal.4th 1002, review in the above-

entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

George, C.J., was absent and did not participate.
Votes: Kennard, A.C.J., Baxter, Werdegarr,
Chin, Brown, and Moreno, JJ.

S126892

B168750 Second Appellate District,
Division Six

PEOPLE v. NARRO

Dismissed per rule 29.3(b), and remanded to CA 2/6

In light of the decision in *People v. Lopez*,
(2005) 34 Cal.4th 1002, review in the above-
entitled matter is dismissed. (Cal. Rules of
Court, rule 29.3(b).)

George, C.J., was absent and did not participate.
Votes: Kennard, A.C.J., Baxter, Werdegarr,
Chin, Brown, and Moreno, JJ.

S127007

B166394 Second Appellate District,
Division Eight

PEOPLE v. POK

Dismissed per rule 29.3(b), and remanded to CA 2/8

In light of the decision in *People v. Lopez*,
(2005) 34 Cal.4th 1002, review in the above-
entitled matter is dismissed. (Cal. Rules of
Court, rule 29.3(b).)

George, C.J., was absent and did not participate.
Votes: Kennard, A.C.J., Baxter, Werdegarr,
Chin, Brown, and Moreno, JJ.

S128081

F042668 Fifth Appellate District

PEOPLE v. VELEZ

Dismissed per rule 29.3(b), and remanded to CA 5

In light of the decision in *People v. Lopez*,
(2005) 34 Cal.4th 1002, review in the above-
entitled matter is dismissed. (Cal. Rules of
Court, rule 29.3(b).)

George, C.J., was absent and did not participate.
Votes: Kennard, A.C.J., Baxter, Werdegarr,
Chin, Brown, and Moreno, JJ.

S107230

HERNANDEZ (JESUS C.) ON H.C.

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus, filed on May 31, 2002, is denied.

Claims F., H.2., K., L., M., and N. are denied as moot, as are the allegation in claim D. that the prosecution failed to disclose certain evidence pertinent to the penalty phase and the allegation in claim I. that the prosecutor's decision to seek the death penalty violated various constitutional and statutory provisions. All other claims are denied on the merits.

The allegation in claim H.1. that the prosecutor misstated the testimony at trial when he told the jury that Anthony Ybarra had been sentenced to a year in jail and served eight months is barred, separately and independently, on the ground that it could have been, but was not, raised on appeal. (*In re Harris* (1993) 5 Cal.4th 813, 829; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

With respect to the allegations in claim H.1. that the prosecutor committed misconduct when he argued that if there was anything to the defense theory that Anthony Ybarra was involved in the theft of Johnny Alvarado's lawn mower, the defense would have called Alvarado as a witness; that Detective Nirschl had information from Johnny Alvarado that Adam Saldivar, rather than Anthony Ybarra, was involved in the theft of Alvarado's lawn mower; and that Anthony Ybarra's jail sentences proved that Ybarra's testimony was not motivated by promises of leniency; and the allegation in claim I.1. that the prosecutor's decision to allege a special circumstance against him violated various constitutional and statutory provisions; all these allegations are barred separately and independently on the ground that they were not raised at trial. (*In re Seaton* (2004) 34 Cal.4th 93, 200.)

Brown, J., would deny solely on the merits the claims that are not moot.

George, C.J., was absent and did not participate.

S117549HERNANDEZ (JESUS) ON H.C.
Petition for writ of habeas corpus denied (AA)Petition for writ of habeas corpus is denied on
the merits.
George, C.J., was absent and did not participate.**S129395**D044977 Fourth Appellate District,
Division OneSPRAGUE v. CA 4 (MEDICAL BOARD)
Petition for review denied

George, C.J., was absent and did not participate.

S129963A108470 First Appellate District,
Division OneCHAN (DENNIS) ON H.C.
Petition for review denied

George, C.J., was absent and did not participate.

S129974B179164 Second Appellate District,
Division TwoBELL (GILBERT) ON H.C.
Petition for review denied

George, C.J., was absent and did not participate.

S130024B166359 Second Appellate District,
Division SevenDELSOL v. LAYMAN
Petition for review denied

George, C.J., was absent and did not participate.

S130029D044956 Fourth Appellate District,
Division OneDANIELS (TED DARNELL) ON H.C.
Petition for review denied

George, C.J., was absent and did not participate.

S130039G034654 Fourth Appellate District,
Division ThreeTOTTEN (ANTHONY) ON H.C.
Petition for review denied

George, C.J., was absent and did not participate.

S130059D045325 Fourth Appellate District,
Division OneKREUTZER (HERMAN) ON H.C.
Petition for review denied

George, C.J., was absent and did not participate.

S130067

B179388 Second Appellate District,
Division Three

SOSA (LOUIS) ON H.C.
Petition for review denied

George, C.J., was absent and did not participate.

S130069

H027732 Sixth Appellate District

PG&E v. S.C. (PRINCE)
Petition for review denied

George, C.J., was absent and did not participate.
Chin, J., was recused and did not participate.

S130085

A108494 First Appellate District,
Division One

WILSON (DAVID W.) ON H.C.
Petition for review denied

George, C.J., was absent and did not participate.

S130093

D042328 Fourth Appellate District,
D043126 Division One

MUSSEY GRADE PARK v. PINE
Petition for review & publication request denied

George, C.J., was absent and did not participate.

S130111

H028152 Sixth Appellate District

NGUYEN (VINH HONG) ON H.C.
Petition for review denied

George, C.J., was absent and did not participate.

S130113

E037056 Fourth Appellate District,
Division Two

ADAME (PETE) ON H.C.
Petition for review denied

George, C.J., was absent and did not participate.

S130128

A104965 First Appellate District,
A106082 Division Four

ARMANDO (D.) v. STATE DEPT. OF HEALTH SVC
Petition for review denied

George, C.J., was absent and did not participate.

S130160

G032039 Fourth Appellate District,
Division Three

EVANS v. ARENA FOOTBALL LEAGUE
Petition for review & publication request denied

George, C.J., was absent and did not participate.

S130186

G034823 Fourth Appellate District,
Division Three

FELDSOTT & LEE v. S.C. (FEINBERG GRANT
MAYFIELD KANEDA & LITT LLP)
Petition for review denied

George, C.J., was absent and did not participate.

S130258

B168574 Second Appellate District,
Division Two

PEOPLE v. TYNDALL
Petition for review denied

George, C.J., was absent and did not participate.

S130296

C048355 Third Appellate District

MEDICAL SCIENCE & TECHNOLOGY v. S.C.
(KONG)
Petition for review denied

George, C.J., was absent and did not participate.

S130334

E036998 Fourth Appellate District,
Division Two

SIU v. S.C. (PEOPLE)
Petition for review denied

George, C.J., was absent and did not participate.

S130341

G033337 Fourth Appellate District,
Division Three

SCHRAMM v. CADLE COMPANY
Petition for review denied

George, C.J., was absent and did not participate.

S130357

B162217 Second Appellate District,
Division Eight

PEOPLE v. MOORE
Petition for review denied

denied without prejudice to any relief to which
defendant might be entitled after this court
determines in *People v. Black*, S126182, and
People v. Towne, S125677, the effect of *Blakely*
v. Washington (2004) __ U.S. __ 124 S.Ct. 2531,
on California law.

George, C.J., was absent and did not participate.

S130366

A105037 First Appellate District,
Division Three

PEOPLE v. KNOPE

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

George, C.J., was absent and did not participate.

S130375

D045224 Fourth Appellate District,
Division One

SAN DIEGO GAS & ELECTRIC v. S.C.

(CONTINENTAL FORGE COMPANY)

Petition for review denied

George, C.J., was absent and did not participate.

S130377

B179141 Second Appellate District,
Division Eight

CIGNA PROPERTY & CASUALTY v. S.C. (SONG)

Petition for review denied

George, C.J., was absent and did not participate.

S130399

B171143 Second Appellate District,
Division Three

PLAYS v. OCCIDENTAL COLLEGE

Petition for review denied

George, C.J., was absent and did not participate.

S130426

C045134 Third Appellate District

PEOPLE v. COVINGTON

Petition for review denied

George, C.J., was absent and did not participate.

S130451

E034326 Fourth Appellate District,
Division Two

PEOPLE v. CRAIGIE

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

George, C.J., was absent and did not participate.

S130477

C040239 Third Appellate District

PEOPLE v. TRILLO

Petition for review denied

George, C.J., was absent and did not participate.

S130514

B168802 Second Appellate District,
Division Eight

PEOPLE v. CERVANTES

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S130528

A103670 First Appellate District,
Division Two

PEOPLE v. PLASCENCIA

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

George, C.J., was absent and did not participate.

S130550

H027816 Sixth Appellate District

SHOCKLEY, CONSERVATORSHIP OF

Petition for review denied

George, C.J., was absent and did not participate.

S130563

A108150 First Appellate District,
Division Four

PELTA v. PILCH

Petition for review denied

George, C.J., was absent and did not participate.

S130573

C043559 Third Appellate District

PEOPLE v. MARMON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S130590
C046696 Third Appellate District

A. (C.), IN RE
Petition for review denied

George, C.J., was absent and did not participate.

S130612
C045032 Third Appellate District

PEOPLE v. SELLERS
Petitions for review denied

George, C.J., was absent and did not participate.

S130622
D043857 Fourth Appellate District,
Division One

BASHKIN v. GLICKMAN
Petition for review denied

George, C.J., was absent and did not participate.

S130625
H026567 Sixth Appellate District

PEOPLE v. CHIOINO
Petition for review denied

George, C.J., was absent and did not participate.

S130628
H026961 Sixth Appellate District

H. (ERNESTO), IN RE
Petition for review denied

George, C.J., was absent and did not participate.

S130643
B166718 Second Appellate District,
Division Seven

PEOPLE v. OVERBY
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Kennard, J., is of the opinion the petition should be granted.

George, C.J., was absent and did not participate.

S130653
F046818 Fifth Appellate District

PINEDA v. SUPERIOR COURT
Petition for review denied

George, C.J., was absent and did not participate.

S130663

B173881 Second Appellate District,
Division Six

HENSLEY v. RITNER

Petition for review denied

George, C.J., was absent and did not participate.

S130669

C044669 Third Appellate District

SEVILLA v. ESTATE OF WILEY

Petitions for review denied

George, C.J., was absent and did not participate.

S130672

A104634 First Appellate District,
Division One

VACAVILLE, CITY OF v. PITAMBER

Petition for review denied

George, C.J., was absent and did not participate.

S130718

B172732 Second Appellate District,
Division One

DOMBY v. HOYT

Petition for review denied

George, C.J., was absent and did not participate.

S130720

A106479 First Appellate District,
Division Five

WANG v. DORSEY

Petition for review denied

George, C.J., was absent and did not participate.

S130741

C044372 Third Appellate District

PEOPLE v. WOMACK

Petition for review denied

denied without prejudice to the filing of a
petition for writ of habeas corpus regarding
defendant's entitlement to presentence custody
credits.

George, C.J., was absent and did not participate.

S130759

F043826 Fifth Appellate District

PEOPLE v. NAVARRO

Petition for review denied

George, C.J., was absent and did not participate.

S130767

E035616 Fourth Appellate District,
Division Two

KUPKA v. CITY OF ADELANTO

Petition for review denied

George, C.J., was absent and did not participate.

S130768

D045417 Fourth Appellate District,
Division One

CTC REAL ESTATE SERVICES v. DAVIS

Petition for review denied

George, C.J., was absent and did not participate.

S130799

B175348 Second Appellate District,
Division Eight

NATIONAL INTERSTATE INSURANCE CO. v.
ADVANTAGE INSURANCE AGENCY

Petition for review denied

George, C.J., was absent and did not participate.

S130800

C045738 Third Appellate District

PEOPLE v. MURPHY

Petition for review denied

George, C.J., was absent and did not participate.

S130811

B179088 Second Appellate District,
Division Two

ARLEN v. W.C.A.B. (SAN ANTONIO COMMUNITY
HOSPITAL)

Petition for review denied

George, C.J., was absent and did not participate.

S130854

B173190 Second Appellate District,
Division Five

IN RE J., (VAN DON)

Petition for review denied

George, C.J., was absent and did not participate.

S130862

C046405 Third Appellate District

PEOPLE v. FARMER

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S130865

B176751 Second Appellate District,
Division One

PEOPLE v. MEZA

Petition for review denied

George, C.J., was absent and did not participate.

S130866

G032254 Fourth Appellate District,
Division Three

CHENES v. ARMENTROUT

Petition for review denied

George, C.J., was absent and did not participate.

S130870

A106994 First Appellate District,
Division Two

JOHNSON v. UA LOCAL 342 JOINT APPRENTICE

Petition for review denied

George, C.J., was absent and did not participate.

S130876

E034643 Fourth Appellate District,
Division Two

PEOPLE v. ROJAS

Petition for review denied

George, C.J., was absent and did not participate.

S130881

D041368 Fourth Appellate District,
Division One

BATES v. KEIRSEY

Petition for review denied

George, C.J., was absent and did not participate.

S130882

H027156 Sixth Appellate District

PEOPLE v. QUEZADA

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S130887

B170875 Second Appellate District,
Division One

PEOPLE v. RAMIREZ

Petition for review denied

George, C.J., was absent and did not participate.

S130891

B169923 Second Appellate District,
Division Six

PEOPLE v. FAULKES

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) 542 U.S. ___, 124 S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S130892

C046129 Third Appellate District

PEOPLE v. BRITTON

Petition for review denied

George, C.J., was absent and did not participate.

S130903

E035041 Fourth Appellate District,
Division Two

PEOPLE v. COYASO

Petition for review denied

George, C.J., was absent and did not participate.

S130918

A104765 First Appellate District,
Division Five

PEOPLE v. BLAIR

Petition for review denied

George, C.J., was absent and did not participate.

S130920

C043908 Third Appellate District

PEOPLE v. DEFARIA

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S130921

H024316 Sixth Appellate District

PEOPLE v. GASPARD

Petition for review denied

George, C.J., was absent and did not participate.

S130923

H026121 Sixth Appellate District
H027020

PEOPLE v. HERRERA
Petition for review denied

George, C.J., was absent and did not participate.

S130924

H026041 Sixth Appellate District
H026893

PEOPLE v. LARA
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S130925

H025540 Sixth Appellate District

HARTNELL COMMUNITY COLLEGE DIST v. S.C.
Petition for review denied

George, C.J., was absent and did not participate.

S130928

H026197 Sixth Appellate District

PEOPLE v. HOANG
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S130929

B178988 Second Appellate District,
Division Four

OVERTON v. W.C.A.B. (KAISER FOUNDATION
HOSPITAL)
Petition for review denied

George, C.J., was absent and did not participate.
Werdegar, J., was recused and did not participate.

S130938

B169384 Second Appellate District,
Division Seven

PEOPLE v. BROOKS

Petition for review denied

George, C.J., was absent and did not participate.

S130947

B171358 Second Appellate District,
Division One

PEOPLE v. RIZO

Petition for review denied

George, C.J., was absent and did not participate.

S130949

B171229 Second Appellate District,
Division Two

PEOPLE v. MUNGUIA

Petition for review denied

George, C.J., was absent and did not participate.

S130950

C044698 Third Appellate District

PEOPLE v. HALL

Petition for review denied

George, C.J., was absent and did not participate.

S130962

A104350 First Appellate District,
Division Four

PEOPLE v. GASTER

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S130965

C037332 Third Appellate District

UHRICH v. AMERICAN HOME ASSURANCE CO.

Petition for review denied

George, C.J., was absent and did not participate.

S130972

B180289 Second Appellate District,
Division One

TILLMAN v. S.C. (PEOPLE)

Petition for review denied

George, C.J., was absent and did not participate.

S130979

C046946 Third Appellate District

PEOPLE v. RODRIGUEZ

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S130981E034778 Fourth Appellate District,
Division Two

PEOPLE v. SALINAS

Petition for review denied

George, C.J., was absent and did not participate.

S130982B174392 Second Appellate District,
Division Six

PEOPLE v. JONES

Petition for review denied

George, C.J., was absent and did not participate.

S130983E035249 Fourth Appellate District,
Division Two

PEOPLE v. DIAZ

Petition for review denied

George, C.J., was absent and did not participate.

S130985E034543 Fourth Appellate District,
Division Two

PEOPLE v. GANDARILLA

Petition for review denied

George, C.J., was absent and did not participate.

S130988B170979 Second Appellate District,
Division Seven

PEOPLE v. GUEST

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S130990

C048264 Third Appellate District

FRYER v. W.C.A.B. (CORNUCOPIA)

Petition for review denied

George, C.J., was absent and did not participate.

S130998B173777 Second Appellate District,
Division Two

PEOPLE v. SHORTY

Petition for review denied

George, C.J., was absent and did not participate.

S131001D042004 Fourth Appellate District,
Division One

LACHER v. EAST COUNTY INVESTIGATIONS

Petition for review denied

George, C.J., was absent and did not participate.

S131002

C044244 Third Appellate District

PEOPLE v. SCOTT

Petition for review denied

George, C.J., was absent and did not participate.

S131014B171484 Second Appellate District,
Division One

PEOPLE v. WILLIAMS

Petition for review denied

George, C.J., was absent and did not participate.

S131015

C045131 Third Appellate District

PEOPLE v. REDDICK

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

George, C.J., was absent and did not participate.

S131024B175201 Second Appellate District,
Division One

HERNANDEZ v. UNIVERSAL CITY STUDIOS

CREDIT UNION

Petition for review denied

George, C.J., was absent and did not participate.

S131040E034706 Fourth Appellate District,
Division Two

PEOPLE v. JONES

Petition for review denied

George, C.J., was absent and did not participate.

S131043

B170987 Second Appellate District,
Division Six

PEOPLE v. KEARNS

Petition for review denied

George, C.J., was absent and did not participate.

S131044

G033260 Fourth Appellate District,
Division Three

PEOPLE v. DIAZ

Petition for review denied

George, C.J., was absent and did not participate.

S131046

B174342 Second Appellate District,
Division Eight

PEOPLE v. MAXWELL

Petition for review denied

George, C.J., was absent and did not participate.

S131053

C043224 Third Appellate District

PEOPLE v. SILVA

Petition for review denied

George, C.J., was absent and did not participate.

S131054

D041265 Fourth Appellate District,
Division One

WATERBURY v. PHOENIX HOUSE SAN DIEGO

Petition for review denied

George, C.J., was absent and did not participate.

S131055

C044255 Third Appellate District

PEOPLE v. OSTRANDER

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S131058

C045031 Third Appellate District
C045561

PEOPLE v. GALE

Petition for review denied

George, C.J., was absent and did not participate.

S131059

A103851 First Appellate District,
Division Three

PEOPLE v. REDDY

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S131079

G033245 Fourth Appellate District,
Division Three

PEOPLE v. SANTOS

Petition for review denied

George, C.J., was absent and did not participate.

S131101

G032794 Fourth Appellate District,
Division Three

PEOPLE v. RODRIGUEZ

Petition for review denied

George, C.J., was absent and did not participate.

S131124

D044263 Fourth Appellate District,
Division One

PEOPLE v. WILLIAMS

Petition for review denied

George, C.J., was absent and did not participate.

S131129

H028293 Sixth Appellate District

LEBBOS v. S.C. (PEOPLE)

Petition for review and application for stay denied

George, C.J., was absent and did not participate.

S131139

B172381 Second Appellate District,
Division Four

PEOPLE v. WANHAINEN

Petition for review denied

George, C.J., was absent and did not participate.

S131147

B171427 Second Appellate District,
Division Four

PEOPLE v. LAU

Petition for review denied

George, C.J., was absent and did not participate.

S131156

B173805 Second Appellate District,
Division One

PEOPLE v. BARNES

Petition for review denied

George, C.J., was absent and did not participate.

S131193

H027515 Sixth Appellate District
H028119

NADASDY v. NADASDY

Petition for review and application for stay denied

George, C.J., was absent and did not participate.

S131402

BASHKIN v. CA (GLICKMAN)

Petition for review denied

George, C.J., was absent and did not participate.

S131459

E037110 Fourth Appellate District,
Division Two

TONG v. S.C. (VERELA)

Petition for review and application for stay denied

George, C.J., was absent and did not participate.

S122134

BISHOP (RANDY) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S122755

GUTIERREZ (JOSEPH) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S122795

JOHNSON (ROBERT M.) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S122843

DANIEL (DEMETRIUS) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S122922

MUHAMMAD (SHAKA S.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123442

DILLARD (ADRIAN L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C.J., was absent and did not participate.

S123496

ESPINOZA (FERNANDO) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123601

CHUBBUCK (DAVID T.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123638

HERNANDEZ (ARTHUR) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C.J., was absent and did not participate.

S123646

SMITH (ROOSEVELT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C.J., was absent and did not participate.

S123651

JONES (GREGORY T.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*

Robbins (1998) 18 Cal.4th 770, 780.)

George, C.J., was absent and did not participate.

S123652

MILES (ROBERT F.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123653

RAMIREZ (ANTHONY M.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123655

POWELL (JAMES) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123686

GARIBAY (RAUL A.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123723

BROWN (THORNELL) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123740

SMITH (THADDEUS E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C.J., was absent and did not participate.

S123768

DELGADILLO (HERCULANO) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123772

JAMES (LISA) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123786

DANSBY (RONNIE L.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123792

GONZALEZ (JOSE A.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123820

CHICHIL (HILARIO) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123946

MONAGHAN (SAMUEL) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123976

BROWN (EDWARD) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123986

HAMILTON (MARK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Chin, J., was recused and did not participate.
George, C.J., was absent and did not participate.

S123988

BROWN (TIMOTHY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C.J., was absent and did not participate.

S123990

AGRIO (PABLO) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123991

ESPINOSA (JESUS) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S123994

DUBOIS (DEWAYNE) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S124012

ODEN (DOMINIQUE D.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S124033

OTTON (ANDREW) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S124037

BEASLEY (WILLIE R.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S124069

GARCIA (PAULINO) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S124071

SZUTENBACH (LESLIE LYNN) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S124141

HUANG (TOMMY) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S124143

UHLMAN (JACQUELYN I.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S124146

FERNANDEZ (EDUARDO) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S124161

SANCHEZ (CARLOS A.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S124163

BRAGGS (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S124224

LEWIS (PAUL D.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S124234

CHAMBERS (DARRELL) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S124335

TAYLOR (SAMUEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

George, C.J., was absent and did not participate.

S124357

THOMAS (CLIFFORD B.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S125320

RAY (FREDERICK L.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.
George, C.J., was absent and did not participate.

S129515

RAY (FREDERICK) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S129698

AGUILAR (ZENAIDO) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S130944

THOMAS (JAMES EDWARD) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S130986

PEOPLES (GLENN ALLAN) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S131243

E036632 Fourth Appellate District,
Division Two

FOOTHILL EASTERN TRANSPORTATION v. S.C.
(ANGUIANO)

Publication request denied (case closed)

George, C.J., was absent and did not participate.

S113201

B156438 Second Appellate District,
Division Three

HONEYWELL v. W.C.A.B. (WAGNER)

Time extended to consider modification or rehearing

Finality of the opinion in the above-entitled case
is hereby extended to and including April 8,
2005.

S130457

D044209 Fourth Appellate District,
Division One

J. (OLIVIA), IN RE

Time extended to grant or deny review

to April 6, 2005.

S128248

B169563 Second Appellate District,
Division Eight

B. (JOHN) v. S.C. (BRIDGET B.)

Extension of time granted

to March 21, 2005 for petitioner to file the reply
brief on the merits. No further extensions of
time are contemplated.

S128854

B159379 Second Appellate District,
Division Seven

PEOPLE v. VASQUEZ

Extension of time granted

appellant ANTHONY FREGOSO's time to
serve and file his opening brief on the merits is
extended to and including April 5, 2005.

S129522

D041356 Fourth Appellate District,
Division One

TOBACCO CASES II, JCCP 4042

Extension of time granted

For good cause shown, it is hereby ordered
that:

The Joint Application of the Petitioners and
Respondents under California Rules of Court,
Rules 29.1, 45 and 45.5, for modification of the
due dates and lengths of the parties'

merits briefs is hereby granted and the modified briefing schedule and brief word length must be as follows:

<u>Brief</u>	<u>Due Date</u>	<u>Brief Length</u> <u>In Words</u>
Opening Brief	4/18/05	16,000
Answer Brief	6/17/05	16,000
Reply Brief	7/18/05	4,800

S130806

B170438 Second Appellate District,
Division Eight

LUJAN v. MINAGAR

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's reply is extended to and including March 11, 2005. The respondent is directed to file in the San Francisco office no later than the deadline date of March 11, 2005.

S027094

PEOPLE v. ELLIOT (MARCHAND)

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as lead appellate attorney of record for appellant Marchand Elliot, filed January 6, 2005, is granted.

The order appointing Michael P. O'Connor as appellate counsel of record for appellant Marchand Elliot, filed April 9, 1996, is hereby vacated.

Appointed associate appellate counsel Richard B. Mazer is hereby designated to serve as appellate counsel of record in the above automatic appeal now pending in this court, and will continue to serve as habeas corpus/executive clemency counsel of record on behalf of appellant Marchand Elliot.

O'Connor is directed to deliver to Mazer, within 30 days from the filing of this order, all clerk's and reporter's transcripts in *People v. Elliot* (S027094), and all habeas corpus and appellate files and work product, trial files, and

investigation reports and related materials obtained from appellant, appellant's trial counsel, paralegals, experts and investigators, or from any other source.

Good cause appearing, appellant is granted an extension of time to May 2, 2005, to file the appellant's opening brief. The court anticipates that after that date, only five further extensions totaling three hundred additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

Pending further order of the court, appellant has 90 days from this date to assess the feasibility of additional augmentation, if any, to the certified record on appeal filed in this court, and to file any necessary motions in this court.

George, C.J., was absent and did not participate.

S129790
C044502 Third Appellate District

PEOPLE v. LEIGHTON
Counsel appointment order filed

Curt R. Zimansky appointed to represent appellant.

S130593
A104398 First Appellate District,
Division Two

PEOPLE v. PERRY
Counsel appointment order filed

Gail Harper appointed to represent appellant

S073596

PEOPLE v. LANCASTER (ANDREW)
Record ordered unsealed

Respondent's "Application for Copies of Sealed Transcripts," filed February 7, 2005, is granted.

On the court's own motion, the Clerk of this court is directed to unseal pages 26 through 97, and page 140, of the Supplemental I Clerk's Transcript.

The Clerk is further directed to provide

respondent with a copy of the unsealed portions of the supplemental clerk's transcript identified above.

George, C.J., was absent and did not participate.

S042224

PEOPLE v. CRUZ (THOMAS V.)
Order filed

Appellant's application for permission to file supplemental brief is granted. Any supplemental respondent's brief is to be served and filed on or before March 21, 2005.